

**10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information**

(1) Applicability.

- (A) This rule applies to any installation that: is required to obtain a permit under 10 CSR 10-6.060 or 10 CSR 10-6.065, is required to file an Emission Inventory Questionnaire (EIQ) as outlined in the Reporting Frequency table in subsection (2)(E), or is required by the staff director to prove its potential emissions are below *de minimis* levels.
- (B) An emission statement is required of facilities if the actual emission of either nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs) or carbon monoxide (CO) are equal to or greater than ten (10) tons annually. Emission statement (Form 2.0Z) requirements in this rule are applicable only to sources located in nonattainment areas.

(2) Record Keeping and Reporting Requirements.

- (A) The owner or operator of an installation that is a source of any air contaminant shall collect, record and maintain, during each calendar year of operation—the time period and duration of emissions; the amounts of processed materials, fuels and solvents consumed; and the amounts of process materials, fuels and solvents stored in tanks and storage piles which emit any regulated air pollutant.
- (B) The owner or operator of an installation subject to subsection (2)(A) of this rule shall file with the director, on the frequency specified in subsection (2)(E), reports containing the information specified in subsection (2)(A). The reports shall specify the type and location of all sources of regulated air pollutants and the amount of each type of regulated air pollutant at each location; the size and height of all emission outlets, stacks and vents; the processes employed, including all fuel combustion and incineration; the type of air pollution control equipment used at the installation; the capture efficiency and control efficiency of the air pollution control equipment, where applicable; and ozone season information

(Form 2.0Z) from sources located in nonattainment areas. Capture efficiency shall be applicable to emission points which are controlled by air pollution control devices and are not fully enclosed. Capture efficiency is not applicable to fugitive dust. The department encourages facilities to perform tests to determine capture efficiency. Industrial ventilation principles and engineering calculations may be used if testing is physically impossible or cost prohibitive. If testing or engineering calculation is not possible, then a default value of fifty percent (50%) capture efficiency may be used. Documentation verifying the capture efficiency shall be included with the EIQ. The owner or operator may submit a report containing information of a different nature provided the information submitted is adequate for the purposes of air quality planning and fee assessment and is approved by the director. Information submitted shall be reduced by the director to emission data as defined in 10 CSR 10-6.210(3)(B)2.

- (C) The reports required by subsections (2)(B) and (2)(D) of this rule shall be completed on state supplied EIQ forms or in a form satisfactory to the director and shall be submitted to the director within ninety (90) days after the end of each reporting period. After the effective date of this rule, any revision to the EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period. The reporting periods for an installation, as determined by the reporting frequency specified in subsection (2)(E), shall end on December 31 of each calendar year. Sources allowed to file reports once every five (5) years shall submit the EIQ on the same schedule as the operating permit renewal application. Each report shall contain the information required by subsection (2)(B) for each air contaminant source at the installation for the twelve (12)-month period immediately preceding the end of the reporting period, in addition to the information required under subsection (2)(A) to be collected, recorded and maintained during each year of operation of the installation.

- (D) For sources located in nonattainment areas, an emission statement is required if the actual emission of either nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs) or carbon monoxide (CO) are equal to or greater than ten (10) tons annually. Emissions of each pollutant shall be reported if a facility meets the ten (10) ton threshold for any of the three (3). Emissions statement reporting requirements shall be completed on state supplied EIQ forms and include the information required at subsection (2)(B) of this rule and ozone season information for VOC, NO<sub>x</sub> and CO emissions and any other criteria pollutant requested by the director. After the effective date of this rule, any revision to the EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period. Emission statements shall be submitted in accordance with the schedule in subsection (2)(E) of this rule.
- (E) The reports required by subsections (2)(B) and (D) of this rule shall be filed on the following frequency:

**Reporting Frequency**

<b>Installation Classification</b>	<b>Emission Inventory Questionnaire</b>	
	<b>Nonattainment Area</b>	<b>All Other</b>
1. Any installation required to obtain a Part 70, Intermediate or Basic State Operating Permit under 10 CSR 10-6.065.	Annually	Annually
2. Any installation required to obtain a construction permit under 10 CSR 10-6.060, but not an operating permit.	Once every five years	Once every five years
3. Any installation required to submit an EIQ by the director.	Within 45 days of request	Within 45 days of request
4. Any installation whose actual emissions of VOC, NO <sub>x</sub> or CO are equal to or greater than ten (10) tons/year.	Annually, an emission statement is required	Exempt, no emission statement required

- (F) All data collected and recorded in accordance with the provisions of this rule shall be retained by the owner or operator for not less than five (5) years after the end of the calendar year in which the data was

collected and all these records shall be made available to the director upon his/her request.

- (3) Specific Report Required. The director may require the owner or operator of an installation to submit compound specific emission rates when the information submitted pursuant to subsection (2)(C) of this rule does not provide sufficient information to determine whether specific compounds from the installation may cause a threat to public health or welfare.
- (4) Public Availability of Emission Data and Process Information. Any information obtained pursuant to the rule(s) of the Missouri Air Conservation Commission that would not be entitled to confidential treatment under 10 CSR 10-6.210 shall be made available to any member of the public upon request.
- (5) Emission Fees.
  - (A) Any air contaminant source required to obtain a permit under sections 643.010-643.190, RSMo, except sources that produce charcoal from wood, shall pay an annual emission fee, regardless of their EIQ reporting frequency, of thirty-one dollars and no cents (\$31.00) per ton of regulated air pollutant emitted starting with calendar year 2002 in accordance with the conditions specified in subsection (5)(B) of this rule. Sources which are required to file reports once every five (5) years may use the information in their most recent EIQ to determine their annual emission fee.
  - (B) General Requirements.
    - 1. The fee shall apply to the first four thousand (4,000) tons of each regulated air pollutant emitted. However, no air contaminant source shall be required to pay fees on total emissions of regulated air pollutants in excess of twelve thousand (12,000) tons in any calendar year. A permitted air contaminant source which emitted less than one (1) ton of all regulated pollutants

shall pay a fee equal to the amount of one (1) ton.

2. The fee shall be based on the information provided in the facility's EIQ.
3. An air contaminant source which pays emissions fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.
4. The fee imposed under subsection (5)(A) of this rule shall not apply to carbon oxide emissions.
5. The fees shall be due April 1 each year for emissions produced during the previous calendar year.
6. The fees shall be payable to the Department of Natural Resources and shall be accompanied by the Emissions Inventory Questionnaire form or equivalent approved by the director.
7. For the purpose of determining the amount of air contaminant emissions on which the fees are assessed, a facility shall be considered one (1) source under the definition of section 643.078.2, RSMo, except that a facility with multiple operating permits shall pay emission fees separately for air contaminants emitted under each individual permit.

(C) Fee Collection. The annual changes to this rule to establish emission fees for a specific year do not relieve any source from the payment of emission fees for any previous year.

(6) Emission Calculation and Verification.

(A) Emission Calculation. All sources shall use the following hierarchy as a guide in determining the most desirable emission data to report to the department.

If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method should be used in its place:

1. Continuous Emission Monitoring System (CEMS) as specified in paragraph (6) (B)1. of this rule;
  2. Stack tests as specified in paragraph (6) (B)2. of this rule;
  3. Material/mass balance;
  4. AP-42 (Environmental Protection Agency (EPA) Compilation of Air Pollution Emission Factors) or FIRE (Factor Information and Retrieval System) (as updated);
  5. Other EPA documents as specified in paragraph (6) (B)3. of this rule;
  6. Sound engineering calculations; or
  7. Facilities shall obtain department pre-approval of emission estimation methods other than those listed in paragraphs (6) (A)1.-6. of this rule before using any such method to estimate emissions in the submission of an EIQ. The department will approve or deny requests by December 31 if submitted in writing by September 1.
- (B) Emission Verification. The director reserves the authority to review and approve all emission estimation methods used to calculate emissions for the purpose of filing an EIQ for accuracy, reliability and appropriateness. Inappropriate usage of an emission factor or method shall include, but is not limited to: using emission factors not representative of a process, using equipment in a manner other than that for which it was designed for in calculating emissions, or using a less accurate emission estimation method for a process when a facility has more accurate emission data

available. Additional requirements for the use of a specific emission estimation method include:

1. Continuous Emission Monitoring System (CEMS).
  - A. CEMS must be shown to have met applicable performance specifications during the period for which data is being presented.
  - B. CEMS data must be presented in the units which the system was designed to measure. Additional data sets used to extrapolate CEMS data must have equal or better reliability for such extrapolation to be acceptable.
  - C. When using CEMS data to estimate emissions, the data must include all parameters (i.e. emission rate, gas flow rate, etc.) necessary to accurately determine the emissions. CEMS data which does not include all the necessary parameters must be reviewed and approved by the director or local air pollution control authority before it may be used to estimate emissions;
2. Stack tests.
  - A. Stack tests must be conducted on the specific equipment for which the stack test results are used to estimate emissions.
  - B. Stack tests must be conducted according to the methods cited in 10 CSR 10-6.030, unless an alternative method has been approved in advance by the director or local air pollution control authority.
  - C. Stack tests will not be accepted unless the choice of test sites and a detailed test plan have been approved in advance by the director or local air pollution control authority.

D. Stack tests will not be accepted unless the director or local air pollution control authority has been notified of test dates at least thirty (30) days in advance and thus provided the opportunity to observe the testing. This thirty (30)-day notification may be reduced or waived on a case-by-case basis by the director or local air pollution control authority.

E. Stack test results which do not meet all the criteria of subparagraphs (6) (B)2.A.-D. of this rule may be acceptable for estimating emissions, but must be submitted for review and approval by the director or local air pollution control authority on a case-by-case basis; and

3. EPA documents. Other EPA documents may be used to estimate emissions if the emission factors are more appropriate or source specific than AP-42 or FIRE. Newly developed EPA emission factors must be published by December 31 of the year for which the facility is submitting an EIQ.

(7) Emission Fee Auditing/Adjustment.

(A) The department may conduct on-site detailed reviews (audits) of EIQs and supporting documentation as the director deems necessary.

(B) The department may make emission fee adjustments when—

1. Clerical or arithmetic errors have been made;
2. Submitted documentation is not supported by inspections or audits;
3. Emissions estimates are modified as a result of emission verification or audits;



4. Credit has been incorrectly applied for an emissions fee paid to a local air pollution control agency; or
5. The department shall not be limited by paragraphs (7)(B)1.-4. in making emission fee adjustments.

(8) Request for Additional Fees and Emission Fee Refunds.

- (A) A maximum two (2)-year review period, beginning on the date received, shall exist for all EIQ submissions. If an EIQ review indicates that additional emission fees are required, the department will notify the source in writing and request that additional fees be paid within forty-five (45) days. The notification shall state the reason for the additional fees and the amount due. If after forty-five (45) days the additional fees have not been paid, then enforcement action may be taken against the source to recover the additional fees.
- (B) Emission Fee Refunds. Overpayment of emission fees shall be refunded to the source. The refund shall be accompanied by a letter stating the reason for the refund and the amount refunded. There shall be a two (2)-year time limit, beginning on the date the EIQ is received, for emission fee refunds. Refunds on EIQs exceeding the two (2)-year time limit shall only be considered upon written request by the source and if approved by the director.

## EPA Rulemakings

FRM: 67 FR 70319 (11/22/2002)

PRM: 67 FR 70357 (11/22/2002)

State Submission: 09/09/2002

State Final: 10 C.S.R. 10-6 (08/30/2002)

APDB File: MO-205

Description:	This revision makes the rule applicable to calendar year 2002 emissions and raises the annual emission fee from \$25.70 to \$31.00 per ton.
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[illegible]

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (k)

FRM: 67 FR 7963 (02/21/2002)

PRM: 67 FR 8000 (02/21/2002)

State Submission: 12/27/2001

State Final: 10 C.S.R. 10-6 (11/30/2001)

APDB File: MO-195

Description: This revision makes the rule applicable to calendar year 2001 emissions.

[illegible]

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (j)

FRM: 66 FR 40901 (08/06/01)

PRM: 66 FR 40953 (08/06/01)

State Submission: 11/27/00

State Final: 10 C.S.R. 10-6 (11/30/00)

APDB File: MO-180

Description:	<p>This rule revision applies to sources required to obtain a construction or Title V permit and to sources seeking an exemption from major source permitting requirements. The rule requires submittal of an Emission Inventory Questionnaire (EIQ) and payment of emissions fees based on information submitted in the EIQ. Payment of a service fee by Phase I acid rain sources is no longer required, but these sources are required to pay Title V emission fees. The state deleted the requirement for payment of fees by charcoal production sources. This revision includes other minor revisions, corrections, and clarifications.</p>
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[illegible]

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (g)

FRM: 65 FR 64158 (10/26/00)

PRM: 65 FR 64192 (10/26/00)

State Submission: 5/30/00

State Final: 10 C.S.R. 10-6 (2/29/00)

APDB File: MO-166

Description: This revision corrects a typographical error, updates calendar year references, and adds a section which clarifies the state's ability to collect past fees.

[illegible]

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (e)

FRM: 64 FR 72032 (12/23/99)

PRM: 64 FR 72045 (12/23/99)

State Submission: 12/8/99

State Proposal: 10 C.S.R. 10-6 (11/30/97)

State Final: 10 C.S.R. 10-6 (12/30/98)

APDB File: MO-146

Description:	This revision establishes emission and service fees for 1997 through 2000 and clarifies language regarding reporting requirements, emission calculations, and verification.
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[illegible]

CFR: 40 C.F.R. 52.1320(c)(100)(i)(A)

FRM: 62 FR 45166 (8/26/97), Correction Notice 63 FR 6648 (2/10/98)

PRM: 62 FR 10002 (3/5/97)

State Submission: 2/1/96

State Proposal: 20 MR 6781 (11/15/95)

State Final: 10 C.S.R. 10-6 (12/31/95)

APDB File: MO-128

Description:	This revision adds sections (6), (7), and (8) which establishes approved methods that can be used to calculate emission factors and establishes procedures for adjusting emission fees. Sections (1) and (2) were revised to include modifications to procedures for collecting, recording, and submitting emission data and process information.
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[illegible]

CFR: 40 C.F.R. 70, Appendix A, Missouri (c)

FRM: 62 FR 45166 (8/26/97)

PRM: 62 FR 10002 (3/5/97)

State Submission: 2/1/96

State Proposal: 20 MR 6781 (11/15/95)

State Final: 10 C.S.R. 10-6 (12/31/95)

APDB File: MO-128

Description: This revision changes section (1) to include a provision that all installations required to obtain permits under 10 C.S.R. 10-6.060 or 10 C.S.R. 10-6.065 to file an EIQ as outlined in the reporting frequency table in subsection (2)(E). Revision to section (5) clarifies language related to payment of charcoal kiln fees.

[illegible]

CFR: 40 C.F.R. 70, Appendix A, Missouri (b)

FRM: 62 FR 26405 (5/14/97)

PRM: 61 FR 64402 (12/3/96)

State Submission: 8/14/95

State Proposal: 19 MR 585 (2/15/94)

State Final: 10 C.S.R. 10-6 (1/27/95)

APDB File: MO-96

Description:	<p>The EPA granted full approval of the operating permit program submitted by the state of Missouri for the purpose of complying with Federal requirements for an approvable state program to issue operating permits to all major stationary sources and to certain other sources. This approval gives the state the authority to receive delegation of section 112 standards for both Part 70 and non-Part 70 sources. The EPA issued a final 112(g) rule on December 27, 1996. The state has 18 months from the effective date of the rule to adopt an equivalent program.</p>
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[illegible]



CFR: 40 C.F.R. 52.1320(c)(53)(i)

PRM: 50 FR 38675 (9/24/85)

State Proposal: 9 MR 1085 (7/2/84)

APDB File: MO-64

Description: The EPA approved a new regulation establishing procedures for the submission of emission information. Old rules 10 C.S.R. 10-2.130, 3.130, 4.120, and 5.210 were rescinded. The EPA revoked the disapproval at 52.1325(a) promulgated on October 28, 1972, at 37 FR 22089.

[illegible]

### Difference Between the State and EPA-Approved Regulation

Section (5), Emission Fees, has not been approved as part of the SIP.

Title V Approval

Section (5), Emission Fees, has been approved as an integral part of the operating permit program and has not been approved as part of the SIP.